IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7650 OF 2006.

Shri Virji Bhimji Cheda. .. Petitioner.
V/s.
Shri Hemendra K. Vyas & anr. ... Respondents.

Shri Suresh M. Shah for the petitioner.
Shri Sameer Vaidya for respondent No.1.

CORAM: R.C.CHAVAN,J
DATED: 11th January 2007.

P.C.:

. By this petition, defendant No.1 in RAE Suit No. 807/1277 of 2003 takes exception to the exhibition of the documents on record marked Exh.A to M by the trial Judge in the course of recording of evidence of P.W.1. Petitioner had taken out notice taking exception to the course adopted by the learned Judge on the ground of proof and admissibility of the documents, contending that the documents were not properly proved, and were beyond pleadings.

2. I have heard learned Counsel for the parties. The course adopted by the learned trial Judge can be seen from his order passed in the course of deposition of Shri Hemendra Kakulal Vyas which reads as under

> . "Today defendants and their advocate are absent they have not filed their reply or objection upon the documents hence, all the above documents

are marked as Exhibit A to M. "

3. While disposing of Interim Notice No. 1912/2006, the learned trial Judge had observed that the documents were also not much beyond pleadings.

4. It may not be necessary to exercise jurisdiction under Article 227 of the Constitution of India for redressing grievance of the petitioner. It would be sufficient to observe that the learned trial Judge should bear in mind the method by which document is required to be proved. Marking a document as exhibit would merely supply identification tag to the document and does not result in document being proved in the sense of terms used in the Evidence Act. Further even if document is supplied with identification tag it does not mean that the document would influence the ultimate result of the case since the learned Judge would have to consider the question of probative value of such documents. In view of this, since the learned trial Judge would definitely bear in mind these aspects, no interference is called for in exercise of jurisdiction under Article 227 of the Constitution of India. Petition is, therefore, disposed of with no order as to costs.

(R.C.CHAVAN,J.)